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Woodard, Emhardt, Naughton, Moriarty and McNett
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

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DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,209

Applicant(s)

WYSS ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites “determining the message from the client computer was a reply to a previously generated message from the knowledge-based system.” It is unclear what prompted the knowledge-based system to generate a message?

Claims 2-11 are rejected for being dependent from a rejected base claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-6, 8-12, 17, 20, 24 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by SU Pat No 5,517,405 issued to McAndrew et al (hereafter McAndrew ‘405)

Claims 1, 12, 17, 24, 32, 33, 34:

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McAndrew '405 discloses:

- operating a knowledge-base system [Fig 1, 40] configured to store in a database [Fig 1, 46] containing answers to questions,
- the knowledge-base system being operatively coupled to a client computer [Fig 1, 10];
- receiving a message from the client computer [structured mode 22, Fig 1 and col 8, lines 5-7]
- determining the message from the client computer was a reply to a previously generated message from the knowledge-base system [col 8, lines 6-16]
- forwarding the message from the client computer to a representative in response to said determining [col 8, lines 38-49].

Claims 3, 9:

McAndrew '405 discloses enclosing a message identification number on all communications sent by the knowledge-base system; and wherein said determining includes searching the message from the client computer for the message identification number [user interaction file col 6, lines 47-58].

Claim 4:

McAndrew '405 discloses attaching message history [col 6, lines 47-58]

Claim 5:

McAndrew '405 discloses a communication log [col 6, lines 47-58]

Claim 6:

McAndrew '405 discloses wherein the reply detection limit includes a communication interval limit of time intervals between successive communications with the client computer and

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a number of communications limits based on a number of communications with the client computer [col 9, line 63 through col 10, line 6].

Claim 8:

McAndrew '405 discloses a network [Fig 1 and col 6, line 32]

Claim 10:

McAndrew '405 discloses a human being [col 8, lines 30-37]

Claim 11:

McAndrew '405 discloses the representative is an automated system [col 8, lines 17-26]

Claim 20:

McAndrew '405 discloses a word index [col 7, lines 11-15]

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-15, 27-30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405.

Claims 13-15:

McAndrew '405 discloses the elements of claim 12 as noted above.

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McAndrew '405 does not disclose wherein said creating includes modifying the response message to indicate that no answers were found when the query result does not contain any answers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew to include the above claim language.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 as above for the purpose of providing the user with the latest available information concerning the question which the user asked.

Claims 27, 28, 29, 30:

McAndrew '405 discloses the elements of claim 17 as noted above.

McAndrew '405 does not disclose designating one of the question-answer sets to always/never appear in the output for the query input.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include designating one of the question-answer sets to always/never appear in the output for the query input.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 for the purpose of including a patient's name, age sex etc in the output.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 to never include an output for the purpose of confidentiality.

Claim 41:

McAndrew '405 discloses means for determining a message from a client computer was a reply to a previously generated message from a FAQ database and forwarding the message to a

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representative in response; means for evaluating question components and answer components of the FAQ database independently relative to an input query [Fig 1 and col 8, lines 5-49]

McAndrew '405 fails to disclose means for providing a response to the FAQ database query in accordance with one or more response templates, the response templates each relating to a different response format.

Official Notice is taken that means for providing a response to the FAQ database query in accordance with one or more response templates, the response templates each relating to a different response format is well-known and expected in the art.

The ordinarily skilled artisan would have been motivated to modify McAndrew to include the above elements for the purpose of providing an output display that is attractive and easily understandable.

7. Claims 2, 7 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of Pub No US 2003/0005079 issued to Mittal (hereafter Mittal '079) Claims 2,7, 31:

McAndrew '405 discloses the elements of claim 1 as noted above.

McAndrew does not disclose e-mail.

Mittal '079 discloses e-mail [paragraph 0044].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include e-mail as taught by Mittal '079

The ordinarily skilled artisan would have been motivated to modify McAndrew for the purpose of providing a client with updates while on-line [paragraph 0044].

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of Pub No US 2001/0039508 issued to Nagler et al (hereafter Nagler '508)

Claim 16:

McAndrew '405 discloses the elements of claim 12 as noted above.

McAndrew does not disclose calculating a score for each question and answer in the database; and selecting at least one answer based upon a dynamic threshold resulting from a statistical distribution of all scores.

Nagler '508 discloses calculating a score for each question and answer in the database; and selecting at least one answer based upon a dynamic threshold resulting from a statistical distribution of all scores [abstract]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include calculating a score for each question and answer in the database; and selecting at least one answer based upon a dynamic threshold resulting from a statistical distribution of all scores as taught by Nagler '508.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 for the purpose of providing objective attributes [abstract]

9. Claims 18, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of Pub No US 2003/0050803 issued to Marchosky (hereafter Marchosky '803).

Claim 18:

McAndrew '405 discloses the elements of claim 17 as noted above.

McAndrew '405 does not disclose weighting the answers more than the questions.

Marchosky '803 discloses relative weighting of questions and relative weighting of answers [paragraph 0014].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include relative weighting of questions and relative weighting of answers as taught by Marchosky '803.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 as above for the purpose of providing the physician with tests which may be conducted on the patient [paragraph 0024]

Furthermore, it would have been obvious to one of ordinary skill in the art to further modify the combination of McAndrew '405 and Marchosky '803 to make the weighting of the answers more than the weighting of the questions.

The ordinarily skilled artisan would have been motivated to make the weighting of the answers more than the weighting of the questions for the purpose of relating the answers to specific symptoms [paragraph 0024]

Claims 19, 25:

McAndrew '405 discloses the elements of claim 17 as noted above.

McAndrew '405 does not disclose weighting the answers more than the questions.

Marchosky '803 discloses relative weighting of questions and relative weighting of answers [paragraph 0014].

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include relative weighting of questions and relative weighting of answers as taught by Marchosky '803.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 as above for the purpose of providing the physician with tests which may be conducted on the patient [paragraph 0024]

Furthermore, it would have been obvious to one of ordinary skill in the art to further modify the combination of McAndrew '405 and Marchosky '803 to make the weighting of the answers more than the weighting of the questions.

The ordinarily skilled artisan would have been motivated to make the weighting of the questions more than the weighting of the answers for the purpose of relating the questions to broad categories of a plurality of different answers.

10. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of US Pat No 6,546,383 issued to Ogawa (hereafter Ogawa '383).

Claims 21 and 22:

McAndrew '405 discloses the elements of claim 17 as noted above.

McAndrew '405 does not disclose scoring a length of one of the questions in proportion to a length of the query input.

Ogawa '383 discloses scoring a length of one of the questions in proportion to a length of the query input [claim 15].

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include scoring a length of one of the questions in proportion to a length of the query input as taught by Ogawa '383.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 for the purpose of crating a document retrieval system [abstract]

11. Claims 23 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of US Pat No 6,553,364 issued to Wu (hereafter Wu '364).

Claims 23 and 42:

McAndrew '405 discloses the elements of claim 17 as noted above.

McAndrew does not disclose designating one or more words to ignore.

Wu '364 discloses one or more words to ignore [col 6, lines 10-21]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include one or more words to ignore as taught by Wu '364.

The ordinarily skilled artisan would have been motivated to modify McAndrew for the purpose of eliminate words that are very common and would produce a search of limited usefulness [col 6, lines 10-21].

12. Claims 26 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of US Pat No 6,023,670 issued to Martino et al (hereafter Martino '670).

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Claims 26 and 43:

McAndrew '405 discloses the elements of claim 17 as noted above.

McAndrew '405 does not disclose defining aliases for at least one word.

Martino '670 discloses defining aliases for at least one word [col 7, lines 17-37].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include defining aliases for at least one word as taught by Martino '670.

The ordinarily skilled artisan would have been motivated to modify McAndrew for the purpose of improving correlation scores [col 7, line 23]

13. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of US Pat No 6,028, 988 issued to Schultz (hereafter Shultz '988).

Claims 34 and 36:

McAndrew '405 discloses operating a knowledge base system configured to store a database formatted with a number of question-answer sets, the knowledge-base system being operatively coupled to a client computer and receiving an input corresponding to a question from the client computer [Fig 1].

McAndrew '405 does not disclose scoring the question-answer sets with respect to the question, determining a threshold limit based upon said scoring and selecting the question – answer sets with scores above the threshold limit.

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Schultz '988 discloses scoring the question-answer sets with respect to the question, determining a threshold limit based upon said scoring and selecting the question –answer sets with scores above the threshold limit [col 1, lines 45-67].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include scoring the question-answer sets with respect to the question, determining a threshold limit based upon said scoring and selecting the question – answer sets with scores above the threshold limit as taught by Schultz '988.

The ordinarily skilled artisan would have been motivated to modify McAndrew as above for the purpose of identifying a query theme [col 1, lines 45-67].

14. Claims 37-40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAndrew '405 in view of US Pat No 5,779,549 issued to Walker et al (hereafter Walker '549).

Claims 37-39 and 44:

McAndrew '405 discloses:

- operating a knowledge-base system configured to store a database formatted with a number of question-answer sets,
- the knowledge-base system being operatively coupled to a client computer; receiving an input corresponding to a question from the client computer;
- selecting one or more candidate sets from the question-answer sets based on the question from the client computer [Fig 1, col 8, lines 5-16]

McAndrew '405 discloses the above noted elements.

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McAndrew '405 does not disclose creating a reflexive index that includes the question from the client computer and at least the candidate sets; scoring each question from the candidate sets against the reflexive index; scoring the question from the client against the reflexive index to generate a question score; choosing the candidate sets with scores that correlate with the question score.

Walker '549 discloses creating a reflexive index that includes the question from the client computer and at least the candidate sets; scoring each question from the candidate sets against the reflexive index; scoring the question from the client against the reflexive index to generate a question score; choosing the candidate sets with scores that correlate with the question score [col 13, lines 15-40]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAndrew '405 to include creating a reflexive index that includes the question from the client computer and at least the candidate sets; scoring each question from the candidate sets against the reflexive index; scoring the question from the client against the reflexive index to generate a question score; choosing the candidate sets with scores that correlate with the question score as taught by Walker '549.

The ordinarily skilled artisan would have been motivated to modify McAndrew '405 for the purpose of adjusted the difficulty level of a game session as the game session is played [col 13, line 16].

Claim 40:

The combination of McAndrew '405 and Walker '549 disclose the elements of claim 39 as noted above.

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The combination of McAndrew '405 and Walker '549 does not disclose wherein the reflexive index further includes all of the question-answer sets.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of McAndrew '405 and Walker '549 to include wherein the reflexive index further includes all of the question-answer sets

The ordinarily skilled artisan would have been motivated to modify the combination of McAndrew '405 and Walker '549 for the purpose of obtaining a good overall and all-inclusive result

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

August 19, 2003


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100